

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN VAN ORDEN, et al.,)
Plaintiffs,)
v.)
KEITH SCHAFER, et al.,)
Defendants.)
Case No. 4:09CV00971 AGF

MEMORANDUM AND ORDER

Upon review of the record and following the final pretrial conference in this case held on the record on April 15, 2015, and for the reasons stated by the Court thereat, the Court sets forth its rulings on the parties' motions in limine and objections to deposition designations as follows:

Plaintiffs' Motion in Limine (Doc. No. 426)

1. (a) To exclude evidence concerning plans of the Missouri Department of Mental Health (“DMH) for development of an annex section at the Sex Offender Rehabilitation and Treatment Services (“SORTS”) facility in Fulton: **DENIED**, subject to reconsideration upon Plaintiffs’ reassertion of their objections at trial that the evidence is speculative.
- (b) To exclude the annual reports of any residents of SORTS, including the class representatives: Ruling **RESERVED** for trial, depending upon the purpose for which reports are offered.
2. To bar Defendants from challenging the admissibility of evidence regarding Plaintiffs’ civil commitment proceedings: **DENIED in part and DENIED as moot in part**. Defendants may challenge the admissibility of such evidence if Plaintiffs offer it for the purpose of arguing that the commitment proceedings are unconstitutional, biased, or otherwise improper. Defendants do not object to such evidence if Plaintiffs offer it solely for the purposes of providing a general overview

of the commitment process or explaining how some aspect of the commitment proceedings should impact treatment and standards of release at SORTS.

3. To bar Defendants from asserting that Plaintiffs do not have a disability under the Americans with Disabilities Act (“ADA”): **DENIED**.
4. To exclude evidence regarding the conditional release of five individuals from SORTS: **DENIED**.
5. To exclude the opinion testimony of any witness not previously disclosed as an expert witness: **DENIED as moot**, having been resolved by the parties.

Defendants' Motion in Limine (Doc. No. 425)

1. To exclude evidence regarding Plaintiffs' civil commitment proceedings: **GRANTED in part and DENIED as moot in part**. Plaintiffs will not be permitted to offer such evidence for the purpose of arguing that the civil commitment proceedings are unconstitutional, biased, or otherwise improper. However, Defendants do not object to Plaintiffs offering such evidence solely for the purpose of providing a general overview of the commitment process, and such evidence may be permitted to the extent it is relevant to current issues of treatment and standards of release at SORTS.
2. To exclude evidence regarding actions taken by the Missouri Attorney General's office regarding commitment and release proceedings: **GRANTED** with respect to commitment proceedings, and **DENIED as moot**, having been resolved by the parties, as to post-commitment proceedings.
3. To exclude e-mails prior to 2010: **DENIED**, subject to reconsideration upon Defendants' reassertion of their objections at trial that the evidence is irrelevant.

Defendants' Objections to Deposition Designations (Doc. No. 425)

OVERRULED as moot, having been withdrawn by Defendants.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 15th day of April, 2015.